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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3652

PATENT
3728-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Robert SWIFT et al. Conf.: 3035
Appl. No.: 10/077,955 Group: 3652
Filed: February 20, 2002 Examiner: P. CHIN
For: PORTABLE REMOTE HYDRAULIC ACTIVATOR

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 14, 2005

| 01/18/2005 JADDO1 00000070 10077955

Sir: 01 FC:2401 250.00 US

Applicants hereby appeal to the Board of Appeals from the Office Action dated July 14, 2004 of the Primary Examiner twice rejecting claims 13-20 and 23.

This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Office Action. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

An extension of one (1) month(s) for responding to the Office Action was previously requested and paid for on November 15, 2004. Thus a fee of \$450.00 is required to obtain an additional two (2) month(s) for filing the Notice of Appeal, and is being paid concurrent with the filing of a Supplemental Reply.

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$500.00

Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$250.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$250.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

James T. Eller, Jr., #39,538

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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